

Dkt. No: SWITJ-P01
Appln. No.: 10/660,137
Reply to Office action of 12/14/2004

REMARKS/ARGUMENTS

The claims outstanding in this application are Claims 8 through 14. In consideration of the amendments made above and the remarks which follow, applicant hereby respectfully traverses all
5 rejections and objections and requests reconsideration and allowance of the claims currently pending in this application.

Claim 1 was rewritten as Claim 8 and was rejected under 35 U.S.C. § 102 as being unpatentable over Whyte ['919] in that Whyte discloses a fluid-treatment apparatus having a tubular body
10 containing a plurality of magnets and also having a plurality of helical vanes as illustrated in Figures 3 and 7.

The Whyte apparatus utilizes a spiral baffle system to ensure all portions of the fluid pass through the magnetic fields. Whyte uses two separate flow paths in parallel of opposite
15 polarity through tubes with a membrane baffle separating each tube into two mirrored chambers. The fluid flow velocity profile of Whyte's apparatus is like a cylinder parted in two where the two halves create a cylinder that runs along two helical paths. The magnet components in Whyte also are not in contact with the inner
20 wall surface of the housing which causes the separate flows paths intended by Whyte.

Applicant's device has its magnet components attached to the inner surface of the housing in a non-parallel and non-perpendicular aspect to the fluid flow and each other thereby

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causing fluid to flow in a single central path and further imposing all the fluid to significant velocity and pressure changes in the magnetic field. Moreover, the magnets of Whyte are uniformly rectangular magnets whereas applicant's device has
5 magnets with a curvilinear inner edge.

Claim 1 as rewritten as Claim 8 was also rejected under 35 U.S.C. § 102 as being unpatentable over Debney ['934] in that Debney discloses a fluid-treatment apparatus generally having a tubular body portion containing an assembly of magnets as
10 illustrated in Figure 1.

Similar to the Whyte apparatus, the Debney apparatus has its magnet components in a parallel configuration and with their elongate side perpendicular to the fluid flow. As arranged, the Debney apparatus will cause a spiral flow but directed against the
15 inner surface of the housing which will not cause the intended effect of applicant's device. The magnet components of Debney's apparatus also are not in contact with the inner wall surface of the housing.

As set forth above, applicant's device has its magnet
20 components attached to the inner surface of the housing in a non-parallel and non-perpendicular aspect to the fluid flow and each other thereby causing fluid to flow in a single central path, generally along the axis of the housing. Additionally, the magnets of Debney's apparatus are generally and uniformly

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rectangular whereas applicant's device has magnets with a curvilinear inner edge.

Claim 1 as rewritten as Claim 8 was additionally rejected under 35 U.S.C. § 102 as being unpatentable over Schindler [106] in that Schindler also discloses a liquid-treatment apparatus having a treatment body containing a plurality of magnetic inserts as illustrated in Figures 1-3.

The Schindler apparatus, as with Whyte and Debney, has its magnetic inserts in a parallel configuration to each other and parallel, as well as perpendicular, to the fluid flow. The clear intent of the Schindler apparatus from this configuration is to generate a relatively uniform velocity profile of the fluid flow while also creating a plurality of flow paths. And, as with the Whyte and Debney apparatuses, the magnetic inserts of Schindler's apparatus also are not in contact with the inner wall surface of the housing.

As set forth above, applicant's device has its magnet components attached to the inner surface of the housing in a non-parallel and non-perpendicular aspect to the fluid flow and each other thereby causing fluid to flow in a single central path, generally along the axis of the housing. Additionally, the magnets of Schindler's apparatus are generally uniformly rectangular whereas applicant's device has magnets with a curvilinear inner edge.

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Claim 1 as rewritten as Claim 8 was also rejected under 35 U.S.C. § 102 as being unpatentable over Van Aarsen [171] in that Van Aarsen discloses a liquid-treatment apparatus comprising a conduit containing a plurality of magnets and an intensifier ring as illustrated in Figures 1-3.

The Van Aarsen apparatus also has its plurality of magnets in a parallel configuration to each other and, as with Schindler, parallel and perpendicular to the fluid flow. The clear intent of this apparatus from this configuration also is to generate a relatively uniform velocity profile of the fluid flow except at the centrally positioned intensifier ring where, the fluid flow is ostensibly forcibly thrust outward against the inner wall surface of the housing. This apparatus, as the others, also has its magnets centrally located and not in contact with the inner wall surface of the housing.

As stated above, applicant's device has its magnet components attached to the inner surface of the housing in a non-parallel and non-perpendicular aspect to the fluid flow and each other thereby causing fluid to flow in a single central path, generally along the axis of the housing. Because of the configuration of the magnets of applicant's device, the fluid flow is turbulent and not outward from the axis. The magnets of Van Aarsen's apparatus also are lacking the curvilinear features of applicant's magnet sets.

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Claim 1 as rewritten as Claim 8 was also rejected under 35
U.S.C. § 102 as being unpatentable over Glass ['872] in that Glass
discloses a liquid-treatment apparatus comprising a conduit having
a plurality of magnets attached to its outer wall as illustrated
5 in Figure 2.

The Glass apparatus has its plurality of magnet sets mounted
on the exterior of the conduit and in a plane perpendicular to the
fluid flow. The clear intent of this apparatus from this
configuration also is to generate a relatively uniform velocity
10 profile of the fluid flow. This apparatus, as the others, also
has its magnet sets externally located and not in contact with the
inner wall surface of the housing.

As stated above, applicant's device has its magnet components
attached to the inner surface of the housing in a non-parallel and
15 non-perpendicular aspect to the fluid flow and each other thereby
causing fluid to flow in a single, turbulent and central helical
path. The magnet sets of Glass's apparatus are also lacking the
curvilinear features of applicant's magnet sets.

The distinguishing structure of applicant's device relates to
20 magnet sets having a curvilinear inner edge, magnet sets mounted
internally on the inner surface of its housing in a non-parallel
and non-perpendicular aspect to each other and to the direction of
the fluid flow, thereby causing a turbulent, dynamic central fluid

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flow, generally along the axis. Nothing in the prior art teaches, suggests, or touches upon this structure and features.

Applicant, therefore, submits that independent Claim 8 rises above the prior art and dependent Claims 9-14 are patentable with their parent claim.

For the reasons set forth above the claims currently pending in this application are patentable and provide further preferred and optimum materials and arrangements not taught in the prior art. In view of the clear distinctions between the cited prior art and the present claims, applicant respectfully requests early reconsideration, allowance, and issue of this application.

Respectfully submitted,

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encl: (1) Power-of-attorney/Correspondence Address Change [SB/81]
(2) Petition for Revival [SB/64]
(3) Inventor's declaration under 37 CFR §1.132
(4) Credit Card Payment Form [PTO-2038]

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